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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,560	12/02/2005	Robert Albertus Brondijk	NL 030648	1486

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
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EXAMINER
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KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/559,560

Applicant(s)

BRONDIJK ET AL.

Examiner

William J. Klimowicz

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The U.S. Patent Publication listed on the PTO -1449 filed on May 15, 2007 has not been considered. More specifically, the document listed is Publication Number 20020171225 A1 (publication date of November 21, 2002), to inventor Liao et al.

It is noted, however, that Publication Number 20020171225 A1 (publication date of November 21, 2002), is to an inventor Edward C. Adair, entitled "Storable Trailer Hitch." Thus, since there is an inconsistency with the publication number, the inventor name and the concept of the reference to the context of the current application, the reference has not been considered. The Examiner notes however, that there is a publication number (Publication Number 20020172126 A1 - publication date of November 21, 2002), to inventor Liao et al., entitled "Control Method for Ejecting Optical Disk from Optical Disk Driver." This reference *appears* pertinent to Applicants' disclosure. If Applicant intended to submit this reference, Applicant should file another PTO-1449.

### ***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

A few errors have been noted, *infra*.

(i) Page 1 (line 10), a comma should be inserted after the word "commence."

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- (ii) Page 2 (line 4), a comma should be inserted after the word "progressed."
- (iii) Page 2 (line 6), a comma should be inserted after the word "required."
- (iv) Page 5 (line 24) the phrase "the processor the processor" should be amended.
- (v) Page 5 (line 27) "ones" should be changed to the word --once--.
- (vi) Page 5 (line 28), "remianing" should be changed to the word --remaining--.
- (vii) Page 5 (line 34), "motor22" should be changed to -- motor 22--.
- (viii) Page 8 (line 14), "recoridn" should be changed to the word --recording--.

#### ***Objection to Abstract***

The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract as currently drafted, includes such offending legal phraseology. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

Claims 1, 2, 5-7, 10, 13-15, 19 and 21 are objected to because of the following informalities and appropriate correction is required.

- (A) As per claims 1, 2, 5, 6, 7 and 19, a period should be inserted after the last word in each claim.
- (B) With regard to claim 13 (line 2); 14 (line 2); claim 15 (line 2), the word "reposting" should be changed to the word --reporting--.

(C) The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2<sup>nd</sup> paragraph:

- (i) Claim 7 (line 3), “the progress indicator.”
- (ii) Claim 10 (line 3-4), “the blocked loading means.”
- (iii) Claim 21 (line 3-4), “the loading means status.”

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-14 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Oota (JP 2000-322816 A).

Oota (JP 2000-322816 A) discloses a recording device (1, including MD unit (22)) comprising a loading means (120) arranged to load a single recording medium (e.g., 205) and comprising loading means status determining means (controller 111) for determining a loading

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means status (e.g., the status of whether the new disk MD (205) is ready to be recorded on, from buffer means (113) after a new single disk has been inserted, and the recording key is pressed prior to full loading of the disk - see, *inter alia*, paragraphs [0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A)), characterized in that the loading means status determining means (111) are operative to detect a loading means status representing a loading means operation of loading the recording medium (that is, the device stores recordable data in the buffer (113) after a record key is pressed, and then when the disk (205) is fully loaded therein, the buffer data is transferred and recorded on the loaded disk (205), after the disk has been detected as being loaded - see, *inter alia*, paragraphs [0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A)).

Additionally, as per claim 2, characterized in that the loading means status determining means (111) are operative to detect a loading means status representing a loading means operation of unloading the recording medium (e.g., when the disk is ejected, the magnetic head (106a) and optical element (103a), which are in very close proximity to the disk (205) during recording, are moved away from the disk (205) when the disk is to be unloaded, to prevent damage thereof, as is known in the art).

Additionally, as per claim 3, characterized in that the loading means status determining means (controller (111) of MD unit) are operative to detect loading means status representing a blocked loading means (e.g., if the switch (112a) is not triggered, or alternatively, see the “negative result” as it pertains to lines 5-6 of paragraph [0097] of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 4, characterized in that the loading means status comprises a progress indicator (e.g., progress as to the insertion location of loaded medium (205), as per sensor/switch (122a) being triggered).

As per claim 5, the progress indicator indicates a time duration until the loading means loading operation is complete (e.g., when the switch (122a) is triggered by loading the cartridge (205), a duration of time takes place until the cartridge (205) moves from the automatic drawing-in position, until the cartridge (205) is fully seated, and the buffer means (113) can then dump its contents on the disk (205), from the previously pressed recording key (see paragraphs [0072-74] of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 6, characterized in that the recording device (1) is operative to start a recording operation when a loading means status representing the loading means operation of loading the recording medium (205) is detected - see, *inter alia*, paragraphs [0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A).

As per claim 7, characterized in that the recording device is operative to start a recording operation when the progress indicator associated with the loading means status representing the loading means operation of loading the recording medium (205) reaches a predetermined value (e.g., after the recording key is pressed, and the recording medium (205) is not yet fully loaded, there is indeed a time interval in which the recording medium (205) has to be fully automatically drawn in and loaded, after tripping switch (122a) - thus a predetermined time interval between the pressing of the recording key, and the time the buffer (113) dumps its loaded temporary data onto the medium (205), after the medium is set to be begin recording - see, *inter alia*, paragraphs

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[0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A).

As per claim 8, characterized in that the recording device (1) further comprises a buffer (113) with a buffer size and that the predetermined value of the progress indicator is determined by the buffer size (113) - that is, the buffer has a maximum finite capacity which cannot be exceeded, and this is the capacity which can be dumped to the recording medium (205) after the recording medium (205) is in position and set for recording.

As per claim 9, characterized in that the recording device is a recording device for recording real time information (e.g., recording from the AM/FM radio broadcast - see paragraph [0031 of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 10, characterized in that the recording device (1) is operative to abort a recording operation when the loading means status representing the blocked loading means is detected (e.g., if the switch (122a) is not triggered, or alternatively, see the “negative result” as it pertains to lines 5-6 of paragraph [0097] of the enclosed English machine translation of Oota (JP 2000-322816 A), recording will not, and simply cannot take place, and is thus aborted).

As per claim 12, characterized in that the loading means status determining means comprises loading means status reporting means accessible via an external interface of the recording device (1). That is, the display (12) lets the user know of a particular track number, and thus, that the disc had been loaded within the device by reading out the disc's TOC, etc. - paragraph [0022] of the enclosed English machine translation of Oota (JP 2000-322816 A).

As per claim 13, characterized in that the loading means status reporting means is operative to report a loading means status in a “mechanism status header” (e.g., any TOC header



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which stores such content). That is, after recording new information to a particular track, the medium (205) TOC header (Table Of Content header) must be updated to reflect the location of the newly recorded track, to its TOC (header).

As per claim 14, characterized in that the loading means status reporting means is operative to report a loading means status in a changer state field in the mechanism status header (e.g., any TOC header which stores such content). That is, after recording new information to a particular track, the medium (205) TOC header (Table Of Content header) must be updated to reflect the location and the data of the newly recorded track, to its TOC (header).

Additionally, as per claim 16, Oota (JP 2000-322816 A) discloses a method for recording information on a recording medium (205) comprising the steps of inserting the recording medium (205) in a loading means (120), operating the loading means (120) and starting a recording operation (pressing a recording key - paragraph [0007] of the enclosed English machine translation of Oota (JP 2000-322816 A)), characterized in that starting the recording operation coincides with operating the loading means (see, *inter alia*, paragraphs [0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 17, characterized in that a status of the loading means (120) is determined before starting the recording. That is, the recording key can be pressed prior to the full loading of the recording medium (205) - see, *inter alia*, paragraphs [0072], [0074], [0080], [0081], [0082], *etc.* of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 18, characterized in that the status comprises a progress indicator (e.g., switch (122a)) with a value, and that a predetermined value (e.g., the value obtained by the

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switch being pushed down by a loaded recording medium (205)) of the progress indicator must be reached before starting the (actual) recording (on the loaded medium (205)) - or alternatively, when the key for recording is pressed, this pushing of the key is a "value obtained" (signal) that occurs prior to any recording.

As per claim 19, characterized in that the progress indicator indicates a time duration until the operating of the loading means is complete (e.g., when the switch (122a) is triggered, by the loaded cartridge (205), a duration of time takes place until the cartridge (205) moves from the automatic drawing-in position, until the cartridge (205) is fully seated, and the buffer means (113) can then dump its contents on the disk (205), from the previously pressed recording key (see paragraphs [0072-74] of the enclosed English machine translation of Oota (JP 2000-322816 A)).

As per claim 20, characterized in that the recording device (1) further comprises a buffer (113) with a buffer size and that the predetermined value of the progress indicator is determined by the buffer size (113) - that is, the buffer has a maximum finite capacity which cannot be exceeded, and this is the capacity which can be dumped to the recording medium (205) after the recording medium (205) is in position and set for recording.

As per claim 21, characterized in that the recording operation is aborted when the loading means status representing a blocked loading means is detected (e.g., if the switch (122a) is not triggered, or alternatively, see the "negative result" as it pertains to lines 5-6 of paragraph [0097] of the enclosed English machine translation of Oota (JP 2000-322816 A), recording will not, and simply cannot take place, and is thus aborted).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oota (JP 2000-322816 A).

See the description of Oota (JP 2000-322816 A), *supra*.

As per claim 11, although Oota (JP 2000-322816 A) does not expressly disclose wherein the recording device (1) is operative to issue a warning on a display device (12), Official notice is taken that warning display or messages on display devices (such as a loading error) are notoriously old and well known and ubiquitous in the art; such Officially noticed fact being capable of instant and unquestionable demonstration as being well-known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the recording device (1) of Oota (JP 2000-322816 A) as being operative to issue a warning on a display device (12), (such as a loading error) as is known in the art.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the recording device (1) of Oota (JP 2000-322816 A) as being operative to issue a warning on a display device (12), (such as a loading error) as is known in the art, in order to let the user of the device known that the disk has an error associated with it, or there is some malfunction in the system, etc., as is well known, established and appreciated in the art.

***Allowable Subject Matter***

Claim 15 is tentatively objected to as being dependent upon a rejected base claim, but, pending an updated search, amendments or arguments presented by the Applicant and considered by the Examiner in reply to this office communication, would be favorably considered if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

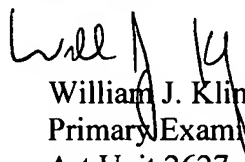
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2627

WJK